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8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 SAEDEH PAYROVY
530 Lourie Lane, Apt. #7
13 Thousand Oaks, California 91302

14 Physical Therapist License No. AT 2966

15 Respondent.
16

Case No. ID 2004 63897 &
ID 2005 64195

FIRST AMENDED

ACCUSATION

17 Complainant alleges:

18 PARTIES

19 1. Steven K. Hartzell ("Complainant") brings this First Amended Accusation
20 solely in his official capacity as the Executive Officer of the Physical Therapy Board of
21 California ("Board").

22 2. On or about January 7, 1993, the Board issued Physical Therapist
23 Assistant License Number AT 2966 to Saeedeh Payrovy ("Respondent"). This license was in
24 full force and effect at all times relevant to the charges brought herein and will expire on
25 November 30, 2006, unless renewed.

26 JURISDICTION

27 3. This First Amended Accusation is brought before the Board under the
28 authority of the following laws and regulations.

1 4. Business and Professions Code section 2609 states:

2 The board shall issue, suspend, and revoke licenses and approvals to practice
3 physical therapy as provided in this chapter [chapter 5.7, commencing with section 2600].

4 5. Business and Professions Code section 2660 states, in pertinent part:

5 The board may, after the conduct of appropriate proceedings under the
6 Administrative Procedure Act, suspend for not more than twelve months, or revoke, or impose
7 probationary conditions upon, or issue subject to terms and conditions any license, certificate, or
8 approval issued under this chapter for any of the following causes:

9

10 (d) Conviction of a crime which substantially relates to the qualifications,
11 functions, or duties of a physical therapist or physical therapy assistant. The
12 record of conviction or a certified copy thereof shall be conclusive of that
13 conviction...”

14 6. Business and Professions Code section 2661 states:

15 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
16 made to a charge of a felony or of any offense which substantially relates to the qualifications,
17 functions, or duties of a physical therapist is deemed to be a conviction within the meaning of
18 this article. The board may order the license suspended or revoked, or may decline to issue a
19 license, when the time for appeal has lapsed, or the judgement of conviction has been affirmed
20 on appeal or when an order granting probation is made suspending the imposition of sentence,
21 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person
22 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
23 of guilty, or dismissing the accusation, information or indictment.”

24 7. California Code of Regulations, Title 16, section 1399.20, states:

25 “For the purposes of denial, suspension or revocation of a license, pursuant to
26 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be
27 substantially related to the qualifications, functions or duties of a person holding a license under
28 the Physical Therapy Practice Act if to a substantial degree it evidences present or potential

unfitness of a person to perform the functions authorized by the license or approval in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to the following:

“(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, conspiring to violate any provision or term of the Physical Therapy Practice Act....”

8. Section 2661.5, subdivision (a) of the Code states:

“In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable cost of the investigation and prosecution of the case.”

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

9. Respondent is subject to disciplinary action under sections 2660, subdivision (d), and 2661 of the Code, and California Code of Regulations, Title 16, section 1399.20, subdivision (a), in that she was convicted of a crime substantially related to the qualifications, functions, or duties of a physical therapist assistant. The circumstances are as follows:

July 27, 2004, Conviction

A. On or about July 27, 2004, in a criminal proceeding entitled “People v. Pavrov S. Harwood”, in the Superior Court of California, County of Los Angeles, Case No. 4VN02096, respondent was convicted by a plea of nolo contendere to one count of Reckless driving/no injury, a violation of Vehicle Code Section 23103, a misdemeanor.

B. On July 27, 2004 respondent was placed on probation for three years. She was ordered to pay fines of \$300.00, pay penalty fund assessment of \$540.00, pay a restitution fine totaling \$1,204.00, participate in an alcohol treatment program, and other terms and conditions.

C. The facts and circumstances surrounding this offense are as

1 follows: On May 7, 2004, respondent was investigated by a California Highway Patrol Officer
2 for driving under the influence of alcohol and drugs. The officer detected an odor of alcohol on
3 respondent's breath, and observed that her eyes were blood shot and glossy, her speech was
4 slurred, and she had a confused and slow demeanor. Respondent admitted that she had been
5 drinking beer, a margarita and a shot of tequila. Respondent also admitted that she had taken
6 Xanax (anti-depressant) and Darvocet (pain medication) earlier in the day. She failed the field
7 sobriety test. The results of her first breath test indicated that her blood alcohol content was
8 .08% and the results of her subsequent breath test indicated that her blood alcohol content was
9 .07%.

10 Respondent was arrested and charged with driving under the influence of alcohol
11 and driving with .08% or higher blood alcohol level, violations of Vehicle Code section 23152,
12 subdivisions (a) and (b).

13 DISCIPLINE CONSIDERATIONS

14 _____10. To determine the degree of discipline, if any, to be imposed on
15 Respondent, Complainant alleges that on or about November 10, 2000, in a criminal proceeding
16 entitled "People v. Saeedeh Harwood Pavrov", in the Municipal Court of the State of California,
17 County of Los Angeles, Case No. LA VOPN05738, respondent was convicted by a plea of nolo
18 contendere to one count of theft, a violation of Penal Code Section 484(a), a misdemeanor.

19 A. The conviction arose out of Respondent's theft of various items of
20 property valued at approximately \$175.00, from Macy's Department Store. Respondent also
21 damaged an item of clothing valued at \$175.00. Respondent removed price tags from expensive
22 merchandise, replacing the tags with less expensive price tags from other (sale) merchandise.
23 Respondent's actions were watched by several security people, and her handbag contained
24 scissors and various clipped price tags. Respondent was arrested as she exited Macy's, and was
25 charged with burglary (Penal Code section 459); possession of burglary tools (Penal Code section
26 466); vandalism (Penal Code section 594(a); and theft (Penal Code section 484(a)).

27 B. On or about March 19, 2002, an Accusation was filed in Case
28 No. ID200162852. This case was based on respondent's conviction for theft. Effective

1 October 28, 2002, respondent's license was publicly reprimanded. The records of the criminal
2 proceedings and prior administrative proceedings are incorporated herein as if fully set forth.

3 PRAYER

4 **WHEREFORE**, Complainant requests that a hearing be held on the matters
5 herein alleged, and that following the hearing, the Physical Therapy Board of California issue a
6 decision:

7 1. Revoking or suspending Physical Therapist Assistant License Number
8 2966 issued to SAEEDAH PAYROVY ;

9 2. Ordering Saeedeh Payrov to pay the Physical Therapy Board of
10 California the reasonable costs of the investigation and enforcement of this case, pursuant to
11 Business and Professions Code section 2661.5;

12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: August 21, 2006

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16 Original Signed By:
17 STEVEN K. HARTZELL
18 Executive Officer
19 Physical Therapy Board of California
20 State of California

21 Complainant

22 Payrov Amended Accusation.wpd
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